

Remarks/Arguments:

STATUS OF CLAIMS

Claim 308 has been amended.

Claims 323, 325-332 and 333-335 remain unchanged.

Claims 336 and 337 are new.

Claims 276-307 and 324 were previously canceled.

There were 27 claims before amendment, including one independent claim, claim 308. After amendment there are 29 claims, including two independent claims, claims 308 and 336.

The highest number of claims previously paid for was 58, including 17 independent claims. Since presently there are fewer such claims, then no additional claims fees are due.

No new matter is added by the amendments, which are supported by the original disclosure as discussed herein. The cited support within the description is often a single paragraph, but it should be recognized that the amendments may be supported at numerous paragraphs within the description and no attempt has been made to be thorough in citing all applicable support.

OFFICE ACTION

Applicant addresses the detailed actions in the office action in the order set forth in the office action.

Continued Examination Under 37 CFR 1.114. Applicant acknowledges examiner's entry of the Request for Continued Examination.

Response to Amendment. Applicant acknowledges that the "Request for Continued Examination" filed on November 30, 2009 has been considered and confirms the previous status of the claims, namely that claims 308, 310, and 318 were previously amended and that claims 308-323 and 325-335 were pending in the application at the time of the office action.

Information Disclosure Statement. Applicant acknowledges that the information disclosure statements (IDS) submitted on January 7, 2010, January 20, 2010 and February 8, 2010 are being considered by the examiner.

Claim Rejections - 35 USC § 112. Applicant acknowledges the citation to the first paragraph of 35 U.S.C. 112 in regard to amendments to claims 308, 310, and 317 to include the limitation "without redirecting the user to the first host and without redirecting the user to the second host." Examiner reported that this limitation appeared to be new matter because no support for this limitation was found in applicant's disclosure.

The basis for this limitation is present in the application. Applicant respectfully calls Examiner's attention to paragraph 170 of the description:

"means for the user to change its interface **without having to access the server computer which hosts them.**" (Emphasis added).

This is further explained at paragraph 11:

"Buyers on the other hand, need a solution where they will have a broad selection **without having to go to many different e-shops to find what they're looking for** . . ." (Emphasis added).

Claim Rejections - 35 USC § 103. Applicant acknowledges the citation to 35 U.S.C. 103(a) and the rejection of Claims 308-315, 317-319, 321-323, 327, and 331-335 there under as being unpatentable over U.S. Patent No.6, 141,666 to Tobin in view of U.S. Patent Application Publication No. 2003/00993321 to Bodmer, et al.

RETRIEVING STEP - SECOND HOST

Applicant's claim 308 is distinguished from Tobin by the second limitation, which is not disclosed in Tobin. The second limitation reads:

"retrieving a second dynamic content **hosted by a second host** wherein the second dynamic content is configured from a database table and wherein retrieving is performed by the server." Applicant's claim 308, emphasis added.

Examiner cites Tobin as teaching applicant's claim 308, second step:

"retrieving a second dynamic content hosted by a second host wherein the second dynamic content is configured from a database table and wherein retrieving is performed by the server (abstract; col. 2, lines 64-col. 3, line 2; col. 7, lines 55-67; col. 9, lines 6-30) (dynamically retrieves stored data in response to a server software tool which configures the data into hypertext tagged documents, abstract; col. 6, lines 65-67; col. 7, lines 55-66)." Office action, pg. 4.

However, in the same paragraph as the examiner cited location in col. 6, Tobin describes a process for "jumping" to a single site, "PC Flowers & Gifts," providing a variety of "Web site pages." Tobin, col. 6, lines 55-67. Tobin uses a process of referral to this single site by others using a "hypertext link." Tobin, col. 6, lines 65-67.

Tobin describes access to a single site by multiple websites located at multiple servers.

"More specifically, assuming for the sake of explanation that server 21 is the PC Flowers & Gifts Web server, the clients may directly transfer across the Internet 11 and communicate with the Web server 21, or the clients may initially transfer across the Internet 11 and communicate with server 18 or 19 which provide a hypertext link to server 21. It is noted that via the hypertext links on server 18 or 19, the client attains the IP address to server 21 and the Web site location on the Web server residing in server 21." Tobin, col. 6, lines 23-34.

In contrast, Applicant's claim 308, involves a single server performing first and second steps that involve retrieving contents from multiple web sites by that single server.

Tobin's and applicant's claim 308 steps are not consistent with each other. Applicant's claim 308 requires the server to retrieve contents from multiple content hosts and Tobin teaches multiple servers accessing a single host.

Applicant's claim 308, first and second steps are about a server retrieving contents from multiple hosts. Tobin's multiple servers accessing a single host are inconsistent teachings.

PRESENTING STEP - THIRD HOST & NO CO-BRANDING

Applicant's claim 308 is distinguished from Tobin by the third limitation, which is not disclosed in Tobin. The third limitation reads:

"presenting a third host to a user accessing the server wherein the third host displays the first dynamic content and the second dynamic content as if the first dynamic content and the second dynamic content originated from the third host." Applicant's claim 308, emphasis added.

The limitations involving a "third host" and presenting as if the content "originated from the third host," are unique to applicant's invention.

The office action states:

"Tobin discloses . . . presenting a third host to a user accessing the server wherein the third host displays the first dynamic content and the second dynamic content as if the first dynamic content and the second dynamic content originated from the third host (col. 7, lines 55-66; Figure 4; Figure 11A; Figure 11 B; col. 9, lines 6-30)"

There is no third host described by Tobin at the cited references. In applicant's claim, the server presents a "third host" to a user. Such third host presentation is absent from Tobin. At the cited paragraphs, Tobin describes how participating web sites enable a user to jump to a single content host by the use of hyperlinks:

"The Web site page 11B0 contains hypertext links, 11B2, 11B3, and 11B4, which provide jumps to Web site pages . . ." Emphasis added. Tobin, col. 9, lines 10-12.

"The tracking program is preferably called 3301 as an URL 3302 to enter the PC Flowers and Gifts system from other Web sites." Emphasis added. Tobin, col. 11, lines 39-41.

". . . however, like the home page image map 1101, the hypertext link grouping 1103 provides jumps to PC Flowers and Web site pages that are dynamically created to be co-branded with the Pathfinder name brand." Emphasis added. Tobin, col. 9, lines 47-51.

Hypertext links to the Web site pages and jumping to the host of origin of the content are inconsistent with applicant's claim 308, third limitation involving display of the

content “as if” the content “originated from the third host, which is presented by the server.

SERVER CONTROL

Applicant re-worded the last limitation in claim 308 to change a “wherein” clause to a step of “configuring the server.” The limitation “all” was deleted as redundant in view of the added limitation language involving restricting such interfacing to that involving the first host and the second host. A clarifying phrase modifying “interfacing” limitation was inserted to expressly state what was previously implied and to better explain that the “control interfacing” limitation pertains to interfacing involving “accessing the first dynamic content and the second dynamic content.” This is supported at paragraph 139 of the application.

Applicant adds new independent claim 336 and dependent claim 337. Claim 336 is an alternative embodiment of the invention.

Claims 336 and 337 are supported in the original description and no new matter is added. These claims are repeated below with the basis shown in braces within the claim.

Claim 336 (new): A program storage device readable by a server, tangibly embodying a program of instructions executable by the server to perform method steps for managing organizing a hosting environment {84} to enable a plurality of content hosts {97} to present products/services offered for presentation by others {85, 86}, said method steps comprising the steps of:

- offering a plurality of content hosts participation in a virtual network {96} on the server;

- enabling any content host participating in the virtual network to offer for presentation a content, the content comprising any of the products or services of any other content host among the plurality of content hosts {97};

- accessing a first content hosted by a first content host participating in the virtual network, wherein accessing is performed by the server; {92} ;

accessing a second content hosted by a second content host participating in the network, wherein accessing is performed by the server; {92}

presenting a third content host to a user accessing the server wherein the third content host displays the first content and the second content as if the first content and the second content originated from the third content host; and, configuring the server to manage the first content and the second content {97} through the third content host.

Claim 337 (new): The program storage device of claim 336, wherein the content host comprises an e-shop. {5}

Applicant observes that the remaining claims are dependent claims and in each case inherit the distinctiveness of the parent claim.

WITHOUT REDIRECTING

Examiner cites Bodmer for disclosing the limitation in claim 308, “without redirecting the user to the first host and without redirecting the user to the second host.” Since applicant has shown that the primary reference does not disclose applicant’s invention, applicant only notes for the record that he can predate or swear behind Bodmer for disclosure of this limitation were it necessary to do so.

Conclusions:

This response is intended to fully respond to the office action mailed 18-MAR-2010. It is timely filed within one month after the 3-month shortened statutory period. Applicant petitions for a 1-month extension of time and submits the \$65 fee pursuant to 37 CFR 1.17(a)(1).

Amendments to the claims address the rejection made in the office action. No additional claims fees are due as a result of the submitted amendments. No new matter is added to the application by the amendments in this response.

Therefore, applicant respectfully requests further examination of his application based on the amendments submitted, that a timely Notice of Allowance be issued in this case, and that the application be issued as a United States Patent.

Respectfully submitted,

Signed: 22-JUN-2010

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